

Halakhic Will

Introduction

Jewish religious law does not recognize the validity of a will. Except for unusual circumstances, one cannot arrange for his estate to be divided in a manner different from Torah law. However, by creating a conditional obligation, one can achieve the same net result as that of a will and other government laws, in a way which conforms to Torah law.

A person who writes a will should obligate himself to pay a sum of money greater than his total assets. It is stipulated that the obligation is retractable, and is not payable until one moment before death. Therefore, the obligation has absolutely no effect during one's lifetime.

If one wills his entire estate to one person, e.g. his wife, he should obligate himself to pay her a sum of money greater than his total assets. In such a case, paragraph two in the obligation form below should be omitted.

If the will includes many persons, the obligation is made to the prime beneficiary, or several beneficiaries. In this case it is further stipulated that if the Torah heir(s) carry out the terms of the will and other government laws, then the obligation is null and void.

The obligation becomes effective when the form below is executed and delivered to the beneficiary or any other party (e.g. a rabbi or a Jewish attorney) who receives it on the beneficiary's behalf, even without the beneficiary's knowledge.

The Obligation

I, the undersigned, hereby obligate myself to _____ the sum of _____ effective immediately, but not payable until one minute before my death, on the condition that I do not retract this obligation at any time prior to my death. All the property which is mine at the time, both real and personal, should serve as security for the payment of said obligation.

I hereby stipulate that my heirs, as defined by the Torah, shall be given the option of paying the above obligation, or, in lieu thereof, of carrying out the terms as specified in my last Will and Testament and, in addition, carrying out all transfers of property upon my death which are considered "non-testamentary transfers" in accordance with the laws of the State of _____. If my Torah heirs abide by the terms of my will and aforementioned state laws, then the above obligation is null and void.

The above obligation is undertaken by a *kinyan sudar* in a *beis din chashuv* (a proper means of transaction in an important Jewish court). The above condition(s) is(are) made in accordance with the laws of the Torah, as derived from Numbers Chapter 32.

Signed this _____, 20____ at _____
